

**CITY OF WAYNE  
PUBLIC NOTICE  
ORDINANCE NO. 2020-04**

**AN ORDINANCE TO RESTATE CHAPTER 838 TO THE WAYNE CITY CODE TO PROVIDE AND ESTABLISH A PROCESS AND PROCEDURE FOR THE APPLICATION AND LICENSING REQUIREMENT FOR MEDICAL MARIHUANA FACILITIES UNDER THE MEDICAL MARIHUANA FACILITIES ACT OR RECREATIONAL MARIHUANA ESTABLISHMENTS UNDER THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT WITHIN THE CITY OF WAYNE AND TO PROVIDE FOR THE SUSPENSION AND REVOCATION FOR VIOLATIONS THEREOF.**

**SECTION 1.** That Chapter 838 of the Wayne City Code is hereby adopted to provide as follows:

**838.01 PURPOSE AND DEFINITIONS.**

**A. PURPOSE.**

This Ordinance is an exercise of the police powers of the City of Wayne and provides a mechanism for licensing and regulating Medical Marihuana Facilities and Recreational Marihuana Establishment to the extent permissible under the laws and regulations of the State of Michigan this Ordinance and to protect the public health, safety, and welfare of the residents of the City.

The City finds that the activities described in this Ordinance are connected to and will impact the public health, safety, and welfare of its citizens and it is therefore necessary to regulate and enforce the safety, security, fire, police, and health and sanitation practices related to such activities, and to provide a method to defray the administrative costs incurred by such regulation and enforcement.

Nothing herein shall be construed to expand or limit the scope of the Medical Marihuana Facilities Licensing Act ("MMFLA"), MCL 333.2791 et seq., or the Michigan Regulation and Taxation of Marihuana Act ("MRTMA"), 2018 Initiated Law 1 MCL 333.27951 to 333.27967 or the Michigan Medical Marihuana Act MCL 333.26421 et.al or to lessen the zoning requirements for any Facilities or Establishments, as required under the City's zoning ordinances.

**B. DEFINITIONS.** The following words and phrases shall have the following definitions when used in this Ordinance:

1. "**Application**" means an application for a License under this Ordinance and includes all supplemental documentation attached or required to be attached thereto.
2. "**Applicant**" means the Person filing the Application.
3. "**Building**" means the particular building within which the Licensee will be authorized to conduct the Facility or Establishment activities pursuant to the License.
4. "**City**" means the City of Wayne, Michigan.
5. "**City Manager**" means the City of Wayne City Manager or the City Manager's designee.
6. "**Clerk**" means the City of Wayne City Clerk or his/her designee.
7. "**Distance**" means a straight-line measurement from the respective parcel or lot line next to the applicable parcel or lot line.
8. "**License**" means a current and valid permit for a Medical Marihuana Facility or Recreational Marihuana Establishment issued under this Ordinance by the City, which shall be granted to a Licensee only for and limited to a specific Person, and Property.
9. "**Licensee**" means the Person that holds a current and valid License issued pursuant to the MMFLA and/or the MRTMA that allows the Licensee to operate as one of the following under the MMFLA and MRTMA, specified in the License: (i) Grower; (ii)

- Processor; (iii) Secure Transporter; (iv) Provisioning Center; (v) Safety Compliance Facility; or (vi) Retailers under the MRTMA but not a Microbusiness.
10. "**Marihuana**" means that term as defined in Section 7106 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106.
  11. "**Medical Marihuana**" means that term as defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.
  12. "**Medical Marihuana Facility**" or "**Facility**" means one of the following:
    - a. "**Grower**" or "**Grower Facility**" as that term is defined in the Medical Marihuana Facilities Licensing Act.
    - b. "**Safety Compliance Facility**" as that term is defined in the Medical Marihuana Facilities Licensing Act.
    - c. "**Provisioning Center**" as that term is defined in the Medical Marihuana Facilities Licensing Act.
    - d. "**Processor**" as that term is defined in the Medical Marihuana Facilities Licensing Act.
    - e. "**Secure Transporter**" as that term is defined in the Medical Marihuana Facilities Licensing Act.
  13. "**Medical Marihuana Facilities Licensing Act (MMFLA)**" means P.A. 281 of 2016, MCL 333.27101, et seq.
  14. "**Michigan Medical Marihuana Act (MMMA)**" means Initiated Law 1 of 2008, MCL 333.26421, et seq.
  15. "**Michigan Regulation and Taxation of Marihuana Act (MRTMA)**" means the MRTMA approved by the citizens of Michigan 2018 Initiated Law 1 MCL 333.27951 to 333.27967.
  16. "**Paraphernalia**" means drug paraphernalia as defined in section 7451 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7451, that is or may be used in association with Medical Marihuana.
  17. "**Patient**" means a "registered qualifying patient" or a "visiting qualifying patient" as those terms are defined by the Michigan Medical Marihuana Act.
  18. "**Person**" means a natural person, company, partnership, corporation, limited liability company, or any joint venture for a common purpose.
  19. "**Primary Caregiver**" means a Person qualified under MCL 333.26423(g), and the rules promulgated therefore by the Department of Community Health, R 333.101 et seq., including, but not limited to possession of a valid, unexpired registry identification card, to assist with a Patient's use of Medical Marihuana, and authorized under the Michigan Medical Marihuana Act to operate as a Primary Caregiver.
  20. "**Primary Caregiver Operation**" means a location where a Primary Caregiver can lawfully operate as permitted by the MMMA and this Ordinance. A Primary Caregiver Operation is not a Medical Marihuana Facility.
  21. "**Property**" means the real property comprised of a lot, parcel or other designated unit of real property upon which the Facility or Establishment is situated.
  22. "**Public Place**" means any area in which the public has access.
  23. "**Recreational Marihuana Establishment**" or "**Establishment**" means a marihuana grower, marihuana safety complaints facility, marihuana processors, marihuana secured transporters and marihuana retailers but not a microbusiness as defined in the MRTMA.
  24. "**Registry Identification Card**" means the document issued to a Patient or a Primary Caregiver and defined under the MMMA.
  25. "**State Licensee**" means a Person holding a current and valid State Operating License for a Medical Marihuana Facility or an Establishment license under the MRTMA as permitted by this ordinance.

26. **"State Operating License"** means a License that is issued under the MMFLA and/or the MRTMA that allows the State Licensee to operate as one of the following, specified in the License under the MMFLA or MRTMA: (i) Grower; (ii) Processor; (iii) Secure Transporter; (iv) Provisioning Center; (v) Safety Compliance Facility; or (vi) Retailers under the MRTMA..

### **838.02 LICENSE REQUIRED.**

A. No Person shall own or operate a Medical Marihuana Facility or Recreational Marihuana Establishment under the MRTMA in the City without first applying for and receiving a License from the Clerk's office. Licenses for Recreational Marihuana Establishments will only be issued to Licensees who have a Medical Marihuana Facilities License issued by the State of Michigan and at locations in the City where a State Licensed Facility is located in the City. (A State Licensed Facility that is issued for a location outside the City must co-locate within the City under State rules with a similar current Facility located within the City).

B. A Facility or Establishment shall not include a club, cafe, or other design that permits consumption of Medical Marihuana at the Facility or Establishment.

C. A License is not transferable and shall only apply to the Person, and Property listed on the License. If there are any changes in ownership of the entity approved for the license, the new information must be filed with the City, the City will accept changes in the stockholders of the licensed entity if the State approves the change with regard to its license, along with the \$2,500 review fee.

D. Licenses shall be valid for a period of one year, from July 1st to June 30th.

E. Every Applicant shall pay a nonrefundable application fee of \$5,000 at the time of application for an initial or renewal License. There will be no prorating of the application fee for applications filed after the beginning of the license year.

F. An Application to renew a License shall be filed at least 30-days prior to the date of expiration. Such renewal shall be annual and shall be accompanied by an annual License fee of \$5,000, which shall not be prorated. Any renewals issued to applicants who have an active pending application with the State of Michigan will be issued day-to-day and will expire if the State application is denied or dismissed for lack of progress by applicant.

G. Licenses shall be displayed at all times, inside the location, in an open and conspicuous place.

H. A use purporting to be engaged in the medical use of marihuana prior to enactment of the Michigan Medical Marihuana Facilities Licensing Act, or prior to being registered with the Michigan Department of Community Health, shall not be entitled to any legal nonconforming status under the provision of this Ordinance and under State law and shall be required to comply with all regulations of this Ordinance and State law.

**838.03 TYPES OF LICENSES PERMITTED WITHIN THE CITY.** The City of Wayne may issue the following types of Licenses:

- A. Grower under the MRTMA:
  - 1. Class A (up to 500 plants);
  - 2. Class B (up to 1,000 plants); or
  - 3. Class C (up to 2,000 plants).
  
- B. Grower under the MMFLA:
  - 1. Class A (up to 500 plants);
  - 2. Class B (up to 1,000 plants);
  - 3. Class C (up to 1,500 plants).
  
- B. Processor
  
- C. Secure Transporter
  
- D. Provisioning Center under the MMFLA.
  
- E. Safety Compliance Facility
  
- F. Marihuana Retailer under the MRTMA

No more than eight (8) Facility Licenses shall be issued by the City, which shall be limited to the following numbers and types of Licenses: (a) four (4) Provisioning Center Licenses, and (b) a total of four (4) other Licenses from the following categories: Grower Facility, Processor Facility, Secure Transporter Facility, and Safety Compliance Facility.

No more than eight (8) Establishment Licenses shall be issued by the City which shall be limited to the following numbers and types of Licenses: four (4) Marihuana Retailer licenses shall be issued but only at the same locations of the four (4) Provisioning Center Licenses issued by the City after approval of a Marihuana Retailer License by the State of Michigan under the MRTMA. The Marihuana Retailer must operate at the same location approved by the City for Provisioning Centers. No standalone located Marihuana Retail Establishments are permitted.

One (1) License under the MRTMA will be issued to each the other Marihuana Facilities licensed by the State and the City for the same type of the license at the location of the Licensee holds under the MMFLA. For example, to be a Growers license issued by the State and City under the MMFLA in the City will be an eligible grower license location under the MRTMA to be issued by the City if such license is issued by the State and the person operates at the same location as the MMFLA license.

**838.04 APPLICATION.** Every Applicant for a License to maintain, operate or conduct a Medical Marihuana Facility or Marihuana Retailer Establishment as permitted by this Ordinance shall file an Application under oath with the City Clerk's office upon a form provided by the City. The Application shall contain the following:

- A. The particular License(s) for which the Applicant is applying.
  
- B. An explanation of the services to be provided and a completed Medical Marihuana Facilities or Marihuana Establishment checklist, upon a form provided by the City Clerk's office.

C. Name, address, and contact information of both the Applicant and Operator of the Facility or Establishment.

D. If the Applicant is a company, partnership, corporation, limited liability company, or any other joint venture for a common purpose, the names and addresses of each officer, director, member, partner, or any individual holding an interest in the entity.

E. A copy of the Applicant's or in the case of a company, partnership, corporation, limited liability company or joint venture, driver's license of all owners and proposed Operator's driver's license(s) or state identification card(s).

F. The address of the proposed Facility or Establishment, and whether the proposed Facility or Establishment will be new construction or renovation of an existing building.

G. Proof of ownership interest in the Property.

H. If a leased Facility, an executed copy of the lease for the Property where the Facility or Establishment is proposed and a separate written consent from the owner of the Property authorizing the proposed use of the Property.

I. A zoning map prepared by a registered surveyor demonstrating that the Property is in compliance with the applicable zoning regulations and the applicable distance requirements contained therein.

J. The days and hours the Facility is proposed to be open or in operation.

K. All criminal convictions of the Applicant and Operator, including those of each officer, director, member, partner, or any individual holding an interest in the entity, fully disclosing the jurisdiction of the conviction.

L. Whether the Applicant applied for a License from the State of Michigan. If so, the date of the submittal a copy of that application and license.

M. Provide the sources and total amount of the Applicant's capitalization to operate and maintain the proposed Medical Marihuana Facility or Marihuana Establishment.

N. Whether the Applicant is delinquent in the payment of, any tax required under federal, state, or local law, including whether the Applicant is in arrears to the City of Wayne.

**838.05 GENERAL REQUIREMENTS.** No License to conduct a Medical Marihuana Facility or Marihuana Establishment shall be issued unless the City confirms that the proposed Facility complies with the following requirements:

A. The proposed location is in an allowable zoning district and in the case of a Marihuana Establishment is at the same location is the license issued under the Marihuana Facility License.

B. There shall be no residence or living quarters on the Property.

C. The hours of operation for Provisioning Centers and Retailers shall be no earlier than 8:00 a.m., and no later than 8 p.m and on Sunday from 9:00 a.m. to 8 p.m.

D. Smoking and/or the use of Marihuana is prohibited in any Facility or Establishment and on any Facility or Establishment's Property.

E. Signs shall comply with all local ordinances and regulations and shall not use the words "marihuana" or "marijuana" or any other word or phrase which would refer to "marihuana" or "marijuana", nor may pictures of a leaf or leaves, green cross, narcotics paraphernalia, or any other rendering which would depict "marihuana" or "marijuana" be displayed on a sign or any part of the building. Only one sign per building shall be allowed. Said buildings or signs shall not include border lighting or outline lighting of any kind.

F. An approved site plan may be required, showing the proposed building to be used, remodeled or reconstructed, along with the parking, landscaping, and lighting plans.

G. An approved security plan shall be required.

H. An approved plan for waste disposal and chemical disposal is required.

I. An approved plan to eliminate noxious odors and prevent nuisance odors is required.

J. The outdoor storage or discharge of toxic, flammable or hazardous materials into City sewer is prohibited.

K. A copy of Property liability and casualty damage insurance in a minimum amount of one-million dollars shall be submitted to the City when the Applicant has been notified that they are ready for final approval.

L. Each Facility or Establishment shall have the minimum capitalization amounts to operate and maintain the Facility or Establishment in accordance with the MMFLA and the MRTMA.

M. No outdoor events or displays are permitted on the Property or anywhere in the City.

N. The Facility or Establishment shall be subject to inspection by law enforcement, City building officials, and any other entity or person necessary at any time during business hours to ensure compliance with this Ordinance, the MMFLA and the MRTMA.

**838.06 SPECIFIC REQUIREMENTS.**

A. Provisioning Center and Retailers:

1. Shall not sell or dispense alcohol.
2. Shall not have an interest in a Secure Transporter or Safety Compliance Facility.
3. Shall not allow a physician to conduct a medical examination or issue a medical certification document on the Property for the purpose of obtaining a registry identification card.
4. Shall not permit outdoor storage of any kind.
5. Shall not permit the sampling of products or supplies in or on the Property.
6. Must provide a professionally prepared security and floor plan to the City for approval.
7. Shall not be located within 1000 feet of: (a) any residential zoning district within the City; (b) any public or private school, college, or university, any nursery school, day nursery, or licensed day care center; (c) any public park or recreational area commonly used by minor children; or (d) any church, house of worship or other religious facility or institution.
8. Shall not be located within 500 feet of the City's downtown district, as defined in the City's current Downtown Master Plan.

B. Grower Facility:

1. Shall not cultivate, grow, manufacture or process marihuana in any manner that would emit odors beyond the interior of the structure, or which is otherwise discernable to another person. The odor must be prevented by the installation of an operable filtration ventilation system and odors must otherwise be effectively confined to the interior of the building from which the odor is generated.
2. Shall not emit noise beyond the interior of the structure.
3. Shall not permit outdoor storage or growing of any kind.
4. Must provide a professionally prepared security and floor plan to the City for approval.
5. Shall not be located within 1000 feet of: (a) any residential zoning district within the City; (b) any public or private school, college, or university, any nursery school, day nursery, or licensed day care center; (c) any public park or recreational area commonly used by minor children; or (d) any church, house of worship or other religious facility or institution.
6. Must be within any Industrial zoned District.
7. Shall not have an interest in a Secure Transport Facility or Safety Compliance Facility.
8. The stacking of Grower Licenses within a single building is permitted within a Property.

C. Processor Facility:

1. Shall not manufacture or process marihuana in any manner that would emit odors beyond the interior of the structure, or which is otherwise discernable to another person. The odor must be prevented by the installation of an operable filtration to ventilation and exhaust equipment, and odors must otherwise be confined to the interior of the building or dwelling from which the odor is generated.
2. Shall not emit noise beyond the interior of the structure.
3. Shall not permit outdoor storage of any kind.

4. Shall not be located within 1000 feet of: (a) any residential zoning district within the City; (b) any public or private school, college, or university, any nursery school, day nursery, or licensed day care center; (c) any public park or recreational area commonly used by minor children; or (d) any church, house of worship or other religious facility or institution.
5. Must be within any Industrial Zoning District.
6. Shall not have an interest in a Secure Transport Facility or Safety Compliance Facility.
7. Must provide a professionally prepared security and floor plan to the City for approval.
8. Shall not be located within 500 feet of the City's downtown district, as defined in the City's current Downtown Master Plan.

D. Secure Transporter Facility:

1. Must not have an interest in a Grower, Processor, Provisioning Center, or Safety Compliance Facility and must not be a patient or a Primary Caregiver.
2. Must employ drivers that have a valid Michigan Chauffeur's License.
3. Must operate each vehicle with at least a two-person crew.
4. Shall not permit its vehicles to bear any markings or identification that it is carrying marihuana, a marihuana infused product, or currency.
5. Shall not permit outdoor storage of any kind, other than the parking or storage of the secure transporting vehicle(s).
6. Shall not be located within 1000 feet of: (a) any public or private school, college, or university, any nursery school, day nursery, or licensed day care center; (b) any public park or recreational area commonly used by minor children.
7. Must be within an Industrial zoned District
8. Must provide a professionally prepared security and floor plan to the City for approval.

E. Safety Compliance Facility:

1. Shall have a secured laboratory space that cannot be accessed by the general public.
2. Shall not permit outdoor storage of any kind.
3. Shall have appropriate education, training and/or experience to comply with State regulations on testing Medical Marihuana.
4. Shall not be located within 1000 feet of: (a) any public or private school, college, or university, any nursery school, day nursery, or licensed day care center; (b) any public park or recreational area commonly used by minor children.
5. Must be within any Industrial Zoning District.
6. Shall not have an interest in a Secure Transport Facility or Processor Facility.
7. Must provide a professionally prepared security and floor plan to the City for approval.

**838.07 REVIEW OF A LICENSE**

- A. Approval. An Applicant may be granted a License by the City if the Applicant satisfies all of the criteria contained in this Ordinance and is selected to receive the License via the selection



process outlined by the City in the Application. No license will be issued until preliminary approval for a licensee has been obtained from the State of Michigan. No certificate of occupancy will issue for a site proposed for licensee operations until the State of Michigan has issued a license for the same license applied for under this Ordinance.

**B. Denial:**

1. The City shall use the information provided on the Application as a basis to conduct a thorough background investigation on the Applicant and its Operator. Any false information provided on an Application is cause to deny a License.
2. An Applicant is ineligible to receive a License if any of the following circumstances exist:
  - a) The Applicant fails to demonstrate the ability to maintain adequate Property liability and casualty insurance for its proposed Facility or Establishment.
  - b) The inability of the Applicant to otherwise comply with the MMFLA or the MRTMA.
  - c) If the Applicant, or any officer, director, member, partner, or any individual holding an interest in the entity is delinquent in any tax under federal, state, or local law or is in arrears to the City, including water, special assessment(s) or taxes.
  - d) If the Applicant has a history of noncompliance with any regulatory requirements in the City or any other jurisdiction.
  - e) By accepting a License issued pursuant to this Ordinance, the Licensee waives and releases the City, its officers, elected officials, and employees from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of Facility or Establishment Owners or Operators, employees, clients, or customers for a violation of any laws, rules, or regulations.
  - f) By accepting a License issued pursuant to this Ordinance, all Licensees agree to indemnify, defend, and hold harmless the City, its officers, elected officials, employees, and insurers against all liability, claims, or demands arising on account of bodily injury, sickness, disease, death, property loss or damage, or any other loss of any kind.

**838.08 VIOLATIONS, PENALTIES, REVOCATION.**

A. If an Applicant or Licensee fails to comply with this Ordinance, if a Licensee no longer meets the eligibility requirements for a License under this Ordinance, or if an Applicant or Licensee fails to provide information the City requests to assist in any investigation or inquiry, or if the applicant owes any amounts toward outstanding tax bills, water bills, or any special assessment or has outstanding zoning, building or ordinance violations, the City may deny, suspend, or revoke a License.

B. The City Manager, or his or her designee, may suspend a License without notice or hearing, subject to the appeal provisions of subsection D, upon a determination that false information was provided on the Application, the safety or health of patrons, employees, or the public is jeopardized by continuing the Facility's operation, or for a failure to comply with City ordinances or MMFLA or MRTMA. The suspension may remain in effect until the City Manager, or his or her designee, determines that the cause for suspension has been abated. The City Manager, or his or her designee, may revoke the License upon a determination that the Licensee has not made satisfactory progress toward abating the hazard.

C. A License will automatically be revoked upon revocation or denial of a State Operating License under the MMFLA or MRTMA.

D. Any party aggrieved by an action of the City Manager or his or her designee suspending or revoking a License shall be given a hearing before the City Council upon request. A request for a hearing must be received by the City Clerk's Office, in writing, within 21 days after the date of mailing of the action by the City Manager or his or her designee.

E. The City Council may conduct investigative and contested case hearings, issue subpoenas for the attendance of witnesses, issue subpoenas duces tecum for the production of books, ledgers, records, memoranda, electronically retrievable data, and other pertinent documents, and administer oaths and affirmations to witnesses as appropriate to exercise and discharge the powers and duties of the City Council under this Ordinance.

F. In addition to the sanctions outlined in this section, any person who violates any provision of this Ordinance shall be responsible for a civil infraction and subject to the payment of a civil fine of five hundred dollars (\$500.00), in addition to costs incurred for each offense. A separate offense shall be deemed committed each day or on which a violation or noncompliance occurs or continues, unless otherwise provided.

G. A violation of this Ordinance is deemed to be a nuisance per se. In addition to any other remedy available at law, the City of Wayne may bring an action for injunction or other process against a person to restrain, prevent, or abate any violation of this Ordinance.

**838.09 CITY RESPONSIBILITY.** The Clerk shall provide the following information to the Applicant within 90 days after the City receives notification from the Applicant that the Applicant has applied for a State Operating License under this Ordinance:

- A. A copy of the local ordinance that authorizes the Facility.
- B. A copy of any zoning regulations that apply to the proposed Facility within the City.
- C. A description of any violation of the local ordinance or zoning regulations included under Subdivision (A) or (B) committed by the Applicant, but only if those violations relate to activities Licensed under this ordinance or the MMFLA or MRTMA.
- D. Final approval or denial of an Application.
- E. Information the City obtains from an Applicant related to licensure under this Ordinance is exempt from disclosure under the Freedom of Information Act, 1976 FA 442, MCL 15.231 to 15.246. As of the effective date of this ordinance, marihuana is classified as a Schedule 1 Controlled Substance under Federal law, which makes it unlawful to manufacture, distribute, cultivate, produce, possess, dispense, or transport marihuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under Federal law. Nothing in this ordinance is intended to promote or condone the production, distribution, or possession of marihuana in violation of any applicable law.

**838.10 PRIMARY CAREGIVER OPERATIONS.**

- A. Scope of Primary Caregiver Operation. Only one (1) Primary Caregiver is permitted to operate within any premise of a Primary Caregiver Operation.

B. The Primary Caregiver Operation must be owned and operated by a primary caregiver or members of the immediate family and if the operation is on residential property caregiver or the patient need to reside on the property in residential areas. If the occupant is not the property owner, the property owner must consent in writing to the existence of the Operation.

C. Visibility from Street. The Primary Caregiver Operation shall not be visible from the street nor change the outside appearance of the building nor alter the residential character of any residential structure.

D. Awareness Permit. A Primary Caregiver cultivating Medical Marihuana plants for distribution to Patients in compliance with the MMMA shall provide a copy of the Primary Caregiver's Registry Identification Card to and register with the City.

E. Amount of Marihuana. The amount of Marihuana on the property and under the control of the Primary Caregiver operating the Primary Caregiver Operation may be no more than twelve (12) Marihuana plants and no more than two and a half (2.5) ounces of usable Marihuana per Patient to whom the Primary Caregiver is lawfully connected, up to a maximum of five (5) patients, sixty (60) Marihuana plants and twelve and a half (12.5) ounces of Usable Marihuana. A Primary Caregiver who is also registered as a Patient may grow an additional twelve (12) Marihuana plants and maintain two and a half (2.5) ounces of Usable Marihuana for him or herself.

F. Storage of Marihuana. All Marihuana must be contained within a separate enclosed, locked facility for each Patient to whom the Primary Caregiver is lawfully connected, in accordance with the MMMA. The Primary Caregiver Operation shall have secure windows and doors, and the Primary Caregiver shall implement security measures to prevent theft of stored Marihuana.

G. Indoor Operation. The Primary Caregiver's Operation and design shall minimize any impact to adjacent uses, including the control of any odor by maintaining and operating an air filtration system so that no odor is detectable outside the Primary Caregiver Operation.

H. Permits. A Primary Caregiver Operation must obtain all necessary building, electrical, plumbing, and mechanical permits for any part of the structure in which electrical, wiring, lighting, or watering devices that support the cultivation, growing, or harvesting of Marihuana are located file a zoning compliance application if required before and obtain a Certificate of Occupancy from the City after paying for all necessary inspection fees.

I. A residence cannot be primarily used as a Primary Caregiver Operation.

J. Lighting. If a room with windows is used as a growing location, any lighting that exceeds usual levels between the hours of 11 p.m. and 7 a.m. shall employ shielding methods to prevent ambient lighting from creating a distraction for adjacent properties.

K. Distribution of Marihuana. No person operating a Primary Caregiver Operation shall provide or otherwise make available Medical Marihuana to any person who is not a Patient legally connected to that Primary Caregiver.

L. Compliance. The medical use of marihuana must comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as amended.

**SECTION 2. Severability.** The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**SECTION 3. Repeal.** All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

**SECTION 4. Publication.** The Clerk shall cause this Ordinance to be published in the manner required by law.

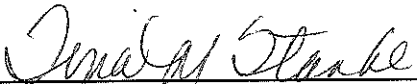
**SECTION 5. Effective Date.** This Ordinance shall become effective ten days after enactment and upon publication thereof.

Adopted: July 21, 2020  
Published: July 30, 2020  
Effective: July 31, 2020

Tina M. Stanke  
City Clerk

#### CERTIFICATION

I, Tina M. Stanke, City Clerk for the City of Wayne, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council for the City of Wayne, Michigan, at a regular meeting held on Tuesday, July 21, 2020 at 7:00 p.m. for the City of Wayne, 3355 South Wayne Road, Wayne, Michigan held electronically via ZOOM.

  
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Tina M. Stanke, CMC  
City Clerk